

June 22, 1998

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L97P0028**

**TRIDOR-BENSON HILL**  
Preliminary Plat Application

Location: Generally located between 111<sup>th</sup> Avenue Southeast and 112<sup>th</sup> Avenue Southeast  
and between Southeast 176<sup>th</sup> Street (Petrovitsky Road) and Southeast 180<sup>th</sup> Street

Applicant: Tridor, Inc., *represented by* **Stephen Speidel**, R. W. Thorpe & Associates, Inc.  
705 – 2<sup>nd</sup> Avenue, Suite 710, Seattle, WA 98104

Department: Dept. of Development and Environmental Services, *represented by* **Kim Claussen**  
900 Oakesdale Avenue Southwest, Renton, WA 98055

**SUMMARY OF DECISION:**

Department's Preliminary Recommendation: Approve, subject to conditions  
Department's Final Recommendation: Approve, subject to conditions (modified)  
Examiner's Decision: Approve, subject to conditions (modified)

**PRELIMINARY MATTERS:**

Application or petition submitted: July 17, 1997  
Complete application date: August 14, 1997

**EXAMINER PROCEEDINGS:**

Hearing Opened: June 9, 1998  
Hearing Closed: June 9, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- traffic safety
- density
- surface water drainage
- recreation area
- tree retention

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, The Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: Scott Wiklof, Tridor, Inc.  
226 Elliott Avenue, Suite A, Seattle, WA 98121

Engineer: R. W. Thorpe & Associates, Inc  
705 – Second Avenue, Suite 710, Seattle, WA 98104

Location: Generally located between 111<sup>th</sup> Avenue Southeast and 112<sup>th</sup> Avenue Southeast and between Southeast 176<sup>th</sup> Street (Petrovitsky Road) and Southeast 180<sup>th</sup> Street

STR: 32-23-5  
Zoning: R-8  
Acreage: 5.51 acres  
Number of Lots: 39 lots  
Density: Approximately 7.4 units per acre  
Lot Size: Ranges from approximately 4,000 to 7, 245 square feet  
Proposed Use: Single-family detached dwellings  
Sewage Disposal: Soos Creek Water and Sewer District  
Water Supply: Soos Creek Water and Sewer District  
Fire District: King County Fire District #40  
School District: Renton  
Complete Application Date: August 14, 1997 (filed July 17, 1997)

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the June 9, 1998 public hearing are found to be correct and are incorporated herein by this reference.
3. The applicant proposes to provide an on-site recreation area within proposed Tract A and in the vicinity of proposed lots 33 and 34. This reconfiguration of the development will reduce the number of lots proposed from 41 to 39. Pursuant to the R-8 zone classification, the maximum number of dwelling lots permitted on the subject property is 43; the minimum number of lots required is 32.
4. The number of trips to be generated by the proposed development during the peak traffic hour will be fewer than the 30 peak direction trips which constitute the minimum threshold for

requiring mitigation of traffic impacts at affected intersections. The King County Department of Transportation has issued a Certificate of Concurrency to the applicant. The applicant will pay a traffic mitigation fee at the time of final plat recording, or when building permits are issued, pursuant to King County Code Chapter 14.75.

The proposal will add approximately 390 vehicle trips per day to the area. The neighborhood streets have sufficient capacity to accept this additional traffic. Speed bumps have been built on streets to the south and west, to reduce the speed of traffic within the neighborhood. The need for additional speed bumps within the area can be determined by the Department of Transportation neighborhood traffic control staff prior to or following development of the subject property. Warrants for the installation of traffic stop, yield, or other warning signs can also be determined following development.

5. Surface water drainage from the subject property currently flows to the west. This drainage will be collected along the west property line and diverted to the detention pond to be constructed at the northwest corner of the subject property. This diversion, approved by a King County surface water variance, will have the effect of reducing the flow of water onto adjacent residential lots west of the site.
6. The site contains no erosion hazard areas. The density of development proposed, together with the need to develop the west property line with the surface water diversion pipe referred to above, will have the effect of requiring elimination of most trees on the site.
7. Development of the site will result in loss of virtually all wildlife habitat. No endangered or threatened species exist on the site; reduction of wildlife habitat is an expected consequence of residential development in the urban area of King County.
8. Extension of a sidewalk from the north portion of the cul-de-sac to Southeast Petrovitsky Road will require either a widening of the access tract lying north of the cul-de-sac or construction of the sidewalk within an easement. Either alternative is acceptable to DDES.
9. Pedestrian routes from the subject property to area schools include minimum six-foot-wide shoulders or sidewalks.
10. The geotechnical evaluation of the site, undertaken to develop recommendations related to an area of subsidence in the vicinity of proposed lot 23, recommends plugging and capping the subsidence feature, and geotechnical evaluation of any building foundations within 25 feet of that feature.

#### CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Soos Creek Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for

drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.

3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

APPROVE the proposed plat of Tridor-Benson Hill as received July 17, 1997, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements.

All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

- a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
- b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
- c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
- d. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water for the westerly subbasin of the project (Variance File L97V0127). The conditions for variance approval shall be satisfied during design and review of the project engineering plans.
- e. Core Requirement No. 3: Runoff Control

Stormwater runoff control shall be provided using detention design criteria outlined in the approved drainage variance. Biofiltration of storm water is also required for water quality enhancement. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and biofiltration facilities. Property line setbacks for constriction of drainage facilities within Tract A may also be required as specified in the drainage manual. The runoff control facilities shall be located in a separate tract dedicated to King County, *unless portions of the tract are used for required recreation space in accordance with KCC 21A.14.180.*
- f. Special Requirement No. 5: Special Water Quality Controls.

The final drainage plans and analysis shall evaluate the threshold requirements in the SWM Manual and determine if a wet pond is required.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
  - a. The applicant has received approval for a road variance application (File No. L97V0087), regarding length of cul-de-sac and the number of lots served. To comply with the road variance decision, 112<sup>th</sup> Ave. SE shall be improved as an urban 28-foot roadway with sidewalks on both sides. One sidewalk shall be improved around the permanent cul-de-sac and extend northerly within Tract B or an adjacent easement to connect with the sidewalk

- on SE 176<sup>th</sup> Street.
- b. Tracts B through G shall be improved as private access tracts serving a maximum of six lots. The serving lots shall have undivided ownership of the tracts and be responsible for maintenance. Improvements shall conform to KCRS 2.03 for urban minor access roads which include 22 feet of paving. The minimum tract width shall be 26 feet with a maximum length of 150 feet.
  - c. Tract B or an adjacent area shall include a public access easement to allow pedestrian circulation extending from 112<sup>th</sup> Ave. SE to SE 176<sup>th</sup> Street. The easement language for public access shall be shown on the final recorded plat.
  - d. During review of the road improvement plans, DDES shall determine if the existing pavement for the temporary cul-de-sac should be removed. The applicant shall contact the affected homeowners to obtain comments regarding the need to remove the pavement and re-construct a sidewalk across the frontage or leave the existing pavement within the lot area.
  - e. Additional road right-of-way shall be dedicated along the north property line to provide 50 feet from the centerline of SE 176<sup>th</sup> Street.
  - f. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
  - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
  11. The existing home and outbuilding(s) shall be removed prior to final plat approval.
  12. There shall be no direct vehicular access to or from SE 176<sup>th</sup> Street (Petrovitsky Road) from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
  13. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.

14. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.), *and conceptual plan received May 26, 1998. Note: This may result in the reconfiguration and/or loss of lots..*
  - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. A homeowners' association or other workable organization shall be established to the satisfaction DDES which provides for the ownership and continued maintenance of the recreation and/or open space area(s).
16. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 176<sup>th</sup> Street (Petrovitsky Road). Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.

- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 176<sup>th</sup> Street (Petrovitsky Road) is on a bus route. If SE 176<sup>th</sup> Street is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

17. The following conditions shall apply to implement the P-suffix conditions to this property:

- a. Clearing and Grading. The applicant has the option to clear the individual building envelopes during construction of the roads and utilities or upon approval of the individual building permit. If the building envelopes are to be cleared during road and utility construction, the individual building envelopes shall be shown on the engineering plans and limited to the following maximum area (1991 Soos Creek Community Plan, page 148):

<u>1) Lot Size (in sq. Ft.)</u>	<u>Building Envelope</u>
Less than 5,000	55% of the lot size
5,000-9,000	45% of the lot size
9,001-15,000	35% of the lot size
Greater than 15,000	5,000 square feet

- 2) The clearing limits for each building envelope shall be clearly marked or flagged on each lot and inspected prior to any clearing.

- b. Significant Tree Retention. The applicant shall demonstrate compliance with the P-suffix conditions regarding significant tree retention prior to engineering plan approval (1991 Soos Creek Community Plan, pages 152-155).
18. Plugging and abandonment of the subsidence feature shall be reviewed and approved by the DDES geologist prior to engineering plan approval. The plat shall contain an appropriate note applicable to any lots encompassing or within 25 feet of the subsidence feature, requiring special review of foundations for any structures located within 25 feet of the feature, as recommended by the applicant's geotechnical report dated August 20, 1997.

ORDERED this 22<sup>nd</sup> day of June, 1998.



James N. O'Connor  
King County Hearing Examiner

TRANSMITTED this 22<sup>nd</sup> day of June, 1998, to the parties and interested persons shown on the attached list.

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 6, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before July 13, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

### MINUTES OF THE JUNE 9, 1998 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0028 – TRIDOR-BENSON-HILL:

James N. O'Connor was hearing examiner in this matter. Participating in the hearing were Stephen Speidel/R. W. Thorpe & Associates, Thomas Baker, Connie Norby, Betty Earles, Mark VanOsten, Arthur Clemencia, Bob Reisch, Peter Dye/DDES-LUSD, Aileen McManus/KCDOT and Kim Claussen/DDES-LUSD.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L97P0028
- Exhibit No. 2 Department of Development and Environmental Services preliminary report, dated June 9, 1998
- Exhibit No. 3 Application dated July 17, 1997
- Exhibit No. 4 Environmental checklist dated July 17, 1998
- Exhibit No. 5 Declaration of nonsignificance dated April 21, 1998
- Exhibit No. 6 Affidavit of posting indicating May 22, 1998 as date of posting and June 8, 1998 as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map dated July 17, 1997
- Exhibit No. 8 Land Use map: 604 east and 601 east
- Exhibit No. 9 Assessors maps SE-29-23-05 and NE-32-23-05
- Exhibit No. 10 Traffic study by Transportation Planning and Engineering, dated July 1, 1997
- Exhibit No. 11 Level 1 drainage analysis by Dowl Engineers, dated July 16, 1997
- Exhibit No. 12 Renton School District comments, dated August 6, 1997
- Exhibit No. 13 Geotech report by Kleinfelder, dated August 6, 1997
- Exhibit No. 14 Kincaid letter, dated April 23, 1998
- Exhibit No. 15 Washington State Department of Transportation letter, dated May 1, 1998
- Exhibit No. 16 SWM variance (file no. L97V0127)
- Exhibit No. 17 Road variance (file no. L97V0087)
- Exhibit No. 18 Conceptual recreation space plan, received May 26, 1998
- Exhibit No. 19 Revised recommendations

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